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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE application of : Group Art Unit 2838
Nepela : Examiner R.Patel
Serial No. :
Filed: :
Division of :
Serial No. 08/702,977 : December 16, 1998
Filed: 08/26/96 : Attorney Docket A26996D1

METHODS AND COMPOSITIONS FOR OPTIMIZING INTERFACIAL PROPERTIES OF
MAGNETORESISTIVE SENSORS

RECEIVED

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEC 29 1998

PETITION UNDER 37 C.F.R. 1.182 and RULE 1053(e) OF PETITIONS
DEPUTY A/C PATENTS

Sir:

Patent application serial number 08/702,977 was filed August 26, 1996 with 104 claims. In response to a requirement for restriction, Claims 1-6, 9, 11, 19, 21-23, 25-33, 37, 40-41, 46, 49, 51-52, 77-78 and 80-81 were elected for prosecution and these 32 claims were allowed. The issue fee was paid and U.S. Patent 5,793,279 issued on August 11, 1998.

Prior to payment of the issue fee for this first set of allowed claims, a first divisional application was filed on February 9, 1998 with 25 elected claims 53-55, 57-59, 61, 65, 67, 69-71, 73, 83-85, 93-95 and 99-104. Applicant used form PTO/SB/29 (12/97), which is a CPA Request Transmittal, for filing the divisional application. There is no available form for filing a divisional application under 37 CFR 1.53(b). The transmittal form was modified by Applicant to indicate that the transmitted papers were for filing a divisional application under 37 CFR 1.53 (b). Also Applicant deleted the paragraph pertaining to an express abandonment of the prior (parent) application.

The 25 claims prosecuted in this first divisional application were also allowed. However, no new serial number was assigned for this first divisional application and the parent case serial number was used by the USPTO in the Notice of

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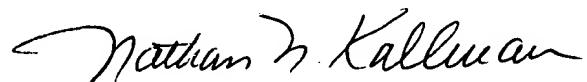
Allowance. An issue fee was submitted on August 10, 1998. This issue fee payment was retained by the USPTO pending the assignment of a new serial number for the allowed first divisional application. To date, there has been no new serial number assigned to this first divisional application and the case has not gone to issue.

Prior to payment of the issue fee for the first divisional application, a second divisional application was filed on August 3, 1998 containing 21 Claims 7, 10, 12, 14, 15, 20, 24, 38, 39, 47, 48, 50, 56, 63, 64, 66, 79, 82 and 96-98. A CPA Request Transmittal form PTO/SB/29 (12/97) was used by Applicant with the same modifications indicating that it was to be a divisional application and that the prior application was not to be abandoned. A copy of the 2-page CPA transmittal form as submitted with the divisional application is enclosed.

Applicant has been advised that the CPA Request Transmittal form is inconsistent with instructions by Applicant for filing a divisional application under 37 CFR 1.35 (b), and that a petition was necessary. Therefore, Applicant hereby petitions to (1) assign a new serial number and filing date to the first divisional application with the allowed claims and to issue the first divisional application for which the issue fee has been paid; and (2) assign a new serial number and filing date to the second divisional application and to continue prosecution of the second divisional application with the 21 claims.

Enclosed is a check for \$130 as payment of the petition fee.

Respectfully submitted,



Nathan N. Kallman

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encls.